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Docket No.: 255449US0PCT

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

**OBLON**  
**SPIVAK**  
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**MAIER**  
**&**  
**NEUSTADT**  
**P.C.**

ATTORNEYS AT LAW

RE: Application Serial No.: 10/500,150  
Applicants: Takeshi KUMAGAI, et al.  
Filing Date: July 12, 2004  
For: CVD METHOD AND APPARATUS FOR FORMING  
SILICON-CONTAINING INSULATING FILM  
Group Art Unit: 2818  
Examiner: QUOC DINH HOANG

SIR:

Attached hereto for filing are the following papers:

**Response to Restriction Requirement**

Our check in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

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DOCKET NO: 255449US0PCT



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :  
TAKESHI KUMAGAI, ET AL. : EXAMINER: QUOC DINH HOANG  
SERIAL NO: 10/500,150 :  
FILED: JULY 12, 2004 : GROUP ART UNIT: 2818  
FOR: CVD METHOD AND APPARATUS :  
FOR FORMING SILICON-CONTAINING  
INSULATING FILM

RESPONSE TO RESTRICTION REQUIREMENT

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

SIR:

Responsive to the Official Action dated September 28, 2005, Applicants elect, with traverse, Group II, Claims 1-10, drawn to a CVD process of forming an insulating film.

REMARKS

The Office has required restriction in the present application as follows:

Group I: Claims 11 and 12, drawn to a CVD apparatus; and

Group II: Claims 1-10, drawn to a CVD process of forming an insulting film.

Applicants elect, with traverse, Group II, Claims 1-10.

Applicants respectfully traverse the Restriction Requirement on the grounds that no adequate reasons and/or examples have been provided to support a conclusion of patentable distinctness between the identified groups or shown that a burden exists in searching all the claims.

Moreover, the MPEP in 803 states as follows:

“If the search and examination of an entire application can be made without a serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.”

Applicants respectfully submit that a search of all the claims would not impose a serious burden on the Office. Note that the PCT application was searched in its entirety by the International Search Authority.

Accordingly, and for the reasons presented above, Applicants submit that the Office has failed to meet the burden necessary in order to sustain the Restriction Requirement. Withdrawal of the Restriction Requirement is respectfully requested.

Applicants respectfully submit that the above-identified application is now in condition for examination on the merits, and early notice of such action is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.  
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